

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Tetsuo MIZUNO

Confirmation No: 5807

Serial No: 10/589,065

Group Art Unit: 1645

IA Filing Date: 02/14/2005

Examiner: Jennifer GRASER

For: LIVE ATTENUATED SALMONELLA FOR USE AS VACCINE

RESPONSE TO OFFICE ACTION

Further to the 2 July 2009 telephone interview with Examiner Graser, the Office Action mailed on 3 February 2009 corresponds to claims that are not pending in this application. The Examiner considered claims 1-48, which were canceled at the time this application was filed (as evidenced by the diagonal line drawn through each of the pages on which claims 1-48 appear.

The claims that are currently pending are claims 1-27, which were submitted to IPEA/AU and appear in the as-filed application immediately following canceled claims 1-48.

The rejections made to non-pending claims 1-48 in the Office Action cannot be correlated with pending claims 1-27. Thus, no intelligible reply to the Office Action is possible.

In a telephone interview with Examiner Graser that was conducted on 2 July 2009 in order to resolve this situation, the Examiner indicated that a paper should be filed pointing out the incongruity between the Office Action and the pending claims and requesting that a new Office Action be issued in place of the original. This paper has been filed for this purpose.

The Examiner is respectfully requested to consider pending claims 1-27. The Applicant respectfully believes that these claims are in condition for allowance and request issuance of a Notice of Allowance at the earliest possible time.

The Commissioner is authorized to charge any under payment or credit any over payment to Deposit Account No. 04-1679.

Respectfully submitted,

Tetsuo MIZUNO

Date:

29 July 2009



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